

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Habitat and Restoration Division

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MEMORANDUM

TO: Tom Boutin
State Forester, Division of Forestry
Alaska Department of Natural Resources

FROM: Janet Kowalski
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Alaska Department of Fish and Game

DATE: January 15, 1997

SUBJECT: 1996 Report to the Board of Forestry

The department's 1995 annual report to the Board of Forestry (the Board) noted concerns of the Alaska Department of Fish and Game (ADF&G) about effectiveness of the state's Forest Resources and Practices Act (FRPA), the implementing regulations, and currently applied best management practices. In response to that report and others submitted by state natural resource agencies, the Board formed a Science/Technical Committee (S/TC) co-chaired by the Alaska Department of Natural Resources (ADNR) and ADF&G to review the recommendations contained in the ADF&G report. The overall goal of this effort has been to understand and address the scientific issues raised by ADF&G in a way that provides adequate long-term protection of salmonid habitat, and to provide this protection while balancing the needs of the fishing and timber industries. In addition, the Governor appointed a Task Force, chaired by the Deputy Commissioner of DNR to review issues related to state agency coordination.

Over the last year, ADF&G put a tremendous amount of work into these two efforts. We were joined by experts from other state and federal agencies, and the timber and fishing industries. Overall, the contribution of these partners was excellent, and we look forward to continuing to improve the state's implementation of the FRPA.

The Science/Technical Committee (S/TC)

The S/TC gathered together scientists from state and federal government, and from the fish, tourism and timber industries to discuss and investigate the issues raised by ADF&G in its 1995 report. The S/TC has worked with ADF&G to resolve these issues, and to develop recommendations for Board of Forestry and agency consideration. Copies of the charge, organizational document, and the minutes and findings of the S/TC are attached to this report (Attachment 1).

The Task Force

The Task Force addressed forestry related policy issues, especially those relating to improving interagency coordination. Several issues were addressed by the Task Force, including an examination of alternative FRPA field service delivery models, and agency opportunities for improving communication and cooperation. Also attached is a memo discussing different methods which could be used by ADF&G to improve its agency oversight function if an alternative service delivery scenario is pursued.

Regional FRPA Field Activities

A summary of ADF&G's day-to-day FRPA field implementation activities for 1996 is provided in Appendix A.

The Coming Year

A significant threat to the continued effectiveness of the FRPA is the reduction in participation by the state resource agencies. This past year, the Department of Environmental Conservation gave notice it would no longer participate in FRPA activities on private lands. DNR's final budget contained legislative intent language which directed that agency to evaluate whether some other arrangement such as contractors or certified operators will be put in place. ADF&G has had all of its state general funding for forest practices cut, and it relies on grant funding to carry out its statutory obligations under the Act.

Forest practices issues can be very complex over time and space, and require the level of communication that only established, professional working relationships can provide. As such, consistent personnel participation is extremely valuable to both agency and industry interests, as are well organized, complete and accessible files on past activities at a particular operation. Our expectation is that decreased agency participation will only lead to decreased effectiveness of the FRPA, and increased risks to public resources, unless another system of implementation is developed which includes strong and adequate state agency oversight of FRPA requirements. The Governor's Task Force will continue to evaluate agency effectiveness over the coming year.

The S/TC has reached consensus on a number of points. In some cases, the committee directed the departments (ADF&G, DEC, and DNR) to develop interagency mechanisms to address procedural difficulties. In other cases, the committee essentially directed the departments to use the existing statutes and regulations in a particular manner. It will be extremely important to communicate these directions from the S/TC to agency and industry personnel before next field season, and to promptly convey any other directions which may or may not require direct action by the Board of Forestry.

ADF&G is pleased to be working with the Board of Forestry, the S/TC, and the Task Force, so that collectively we may examine the effectiveness of the state's Forest Resource and Practices Act in protecting public resources to the extent intended under this legislation. We are encouraged by the progress made by the S/TC and the Task Force towards resolving the issues ADF&G raised last year, and we look forward to the committees completing their review and recommending any needed actions to the Board and the agencies. We encourage the Board of Forestry to act on the suite of recommendations the S/TC is expected to bring forward, such that improved implementation of the law can be achieved beginning in 1997.

Appendix (1)

Attachments (2)

cc: Frank Rue
Marty Rutherford
Len Verrelli
Marty Welbourn
Diane Mayer

Appendix A

ADF&G Forest Practices Activities During 1996

ADF&G staff involved with activities subject to the Alaska Forest Resources and Practices Act (FRPA) have not described additional significant problems with the effectiveness of the FRPA, its regulations, or best management practices beyond those noted in the department's 1995 report. The following is a brief overview of ADF&G Forest Practices activities during 1996.

Region I, Southeast Alaska

A short summary of the type of work conducted by ADF&G Region I in FY96 to implement the FRPA is included as examples of the typical forestry related activities. This work was conducted by staff in the Sitka and Douglas offices, and is not a complete list of FRPA activities in FY96.

Kake: Staff conducted five field days of FRPA inspections in response to three notifications for units, roads, and buffers. Two additional notifications were reviewed without field inspections. The primary emphasis was to identify fish habitat for riparian buffer concerns, determine and recommend culvert and bridge locations, review windthrow salvage plans, and review temporary roads that have been “put to bed.” One Notice of Violation (NOV) was issued due to a failure of the operator to follow Title 16 stipulations for bedding a culvert in a fish stream. Staff assisted the operator in providing design changes to modify the culvert to provide for adequate fish passage. Staff reviewed nearly the entire mainline road system to address recommendations for put-to-bed work on spur roads.

Hobart Bay: Staff conducted three field days of FRPA inspections in response to two notifications for units, roads, and a riparian buffer variation. Two Title 16 permits were issued for reinstallation of permanent bridges where temporary bridges had been used following flood damage a couple years ago. The mainline road system was also reviewed to provide recommendations for drainage and sediment control for water quality streams tributary to fish streams. One notification was handled without a field review.

East Icy Bay: Staff conducted nine field days of inspections in response to four notifications for units, roads, fish stream identification, and riparian buffer variations. Two NOVs were issued for Title 16 violations related to a tree felled into a catalogued stream and bridge construction debris left in a fish stream after construction and a prior warning. The operator took immediate action to remedy the NOVs. Staff also made recommendations regarding small streamside zone designations.

University of Alaska - Gulf Coast #1 & #2: Staff conducted 35 field days of inspections related to their operating plans, closeout units on the White River timber sale, startup work on the new mainline road alignment, and maintenance work on the existing mainline road, culverts, bridges and log transfer facility (LTF). Staff assisted the operator in

designing a maintenance Title 16 permit to address channel work needed at large glacial outwash rivers/streams that routinely aggrade and flood causing road and drainage structure damage. Riparian buffer strips for fish habitat concerns, wildlife corridors, critical winter range for mountain goats, and road put-to-bed work were also reviewed.

Mental Health Trust - Johnston Creek: Staff conducted nine field days of inspections related to operating plans, unit layout, spur road reconstruction and fish passage concerns, and maintenance work on the existing mainline road, culverts, bridges and LTF. Staff also spent time with MHT staff to address common goals for shared work between the University and the Trust to conduct joint operations (shared LTF, mainline road maintenance and reconstruction, etc.).

State Timber sales - Mitkof and Wrangell Islands: Staff reviewed small sale offerings for three sales and provided comments related to fish streams, road construction, and unit layout. Due to competing priorities, a joint field review during layout work was not conducted.

Region II --Southcentral Alaska

During this calendar year, ADF&G Region II staff were responsible for reviewing timber harvest proposals in the Kenai Peninsula, West Cook Inlet, Copper River basin, Prince William Sound, Matanuska-Susitna River valleys, and on Kodiak and Afognak Islands. During this period, Region II staff reviewed and provided written comments on 86 timber harvest proposals, representing 423 nominative (named, though sometimes contiguous) harvest units covering 46,725 acres. The vast majority of this activity was on private land; the remainder was on state, municipal, and federal lands. Staff also reviewed and authorized 56 stream crossing proposals, commented on three LTFs (review not complete), and two in-water log storage areas. Staff spent 52 days in the field conducting Forest Practices inspections and/or fish habitat assessments. Staff participated in Forest Practices inspections of 20 separate timber harvest operations, several of them multiple times. During the course of field work, staff surveyed, or supervised the survey of, 56 streams in southcentral Alaska. These surveys documented 19 resident fish streams, 20 anadromous fish streams, and located impassable physical blockages on two previously cataloged anadromous fish streams.

Kenai Peninsula: Staff reviewed 122 individual cutting units on 14,435 acres, most of which is located in the area south of Tustumena Lake in the Ninilchik River, Deep Creek, Stariski Creek, and Anchor River watersheds. The number of field inspections declined significantly this past year with the fall in timber prices; however, staff continued to work with the larger timber operators to identify riparian buffers, verify the presence of anadromous fish, review stream crossings, and road and cutting unit layouts. Staff remains concerned regarding the potential accumulative effects of logging activities on fish and wildlife resources occurring on state, federal, University of Alaska, and small private parcels, in addition to the large private operations. One operator was cited for crossing a catalogued stream without a permit and failure to notify ADF&G regarding construction

of a bridge. At a later date, the same operator was cited again for placing gravel fill in the stream. The operator was sentenced to 180 days in jail, 160 days suspended; \$100,000 fine, \$75,000 suspended; and complete restoration of the damaged portion of the stream.

North Shore Kenai Lake Road: Staff reviewed the proposed design plan for the road on the north shore of Kenai Lake as prepared by the U. S. Forest Service (FS). The North Shore Kenai Road will run from the Trail River Campground Road approximately 6.88 miles along the north shore of Kenai Lake. This road is to be constructed to initially provide access for timber harvest on state lands and eventually FS lands on the north shore of Kenai Lake. ADF&G made recommendations to identify potentially unstable areas well in advance of construction, maintain lake shoreline and streambank stability, and minimize the risk of surface erosion to maintain water quality. Many of the department's road construction and log stringer bridge installation recommendations were eventually adopted by the FS and incorporated into the final project plan. ADF&G staff also conducted a field inspection of the first 1.5 mile section with DOF staff.

Chuitna River Timber Sale: Staff reviewed a preliminary draft of a forest management plan submitted by a Canadian consulting firm to harvest two tracts of timber totaling 16,900 acres just north of Tyonek on the west side of Cook Inlet. The Chuitna River divides both tracts and there are several other fish streams in the proposed harvest area. Staff also conducted a pre-operational field inspection of the first two harvest units to evaluate fish habitat, to evaluate available resource information, and to determine whether additional stream surveys will be needed to adequately protect fish habitat resources. Staff will continue to work closely with the landowner (Tyonek Native Corp.) and the operator (Beluga Forest Products, Inc.).

State Timber Sales: Staff provided comments on five state sales approximating 1,053 acres on the Kenai Peninsula; field reviews were completed on most of these sales. In the Matanuska-Susitna area, review comments were provided on four state sales and four borough sales on approximately 1,327 acres.

Region III -- Interior and Northern Alaska

Region III forest practices staff estimated the number of timber sales reviewed in FY96, excluding the 5-Year Timber Sale plans, at 25. The region estimates about 3 biologist-months were spent on timber-related reviews in FY96. Most of that effort was directly related to Title 16 fish habitat permits and field inspection of those permits.

Region III staff provided comments on the practicality of accessing several proposed sales in the Tanana River in areas important to salmon. All winter access roads were field inspected during winter 1995/1996; all ice roads were built in compliance with Title 16 requirements.